

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----x  
BARBARA ZINNAMON for  
DWIGHT DAVIDSON, JR.,

Plaintiff,

-against-

AMERICAN MAIL ORDER,

Defendant.

-----x  
ROSS, United States District Judge:

NOT FOR PRINT OR  
ELECTRONIC PUBLICATION

09-CV-2042 (ARR)

MEMORANDUM  
AND ORDER

On May 11, 2009, Barbara Zinnamon, appearing *pro se*, filed this action on behalf of her son, Dwight Davidson, Jr., against defendant American Mail Order alleging employment discrimination pursuant to Title VII of the Civil Rights Act of 1964 (Title VII), the Age Discrimination and Employment Act of 1967 (ADEA) and the Americans with Disabilities Act (ADA). The court declines to grant Ms. Zinnamon's request to proceed *in forma pauperis* and directs Mr. Davidson to file an amended complaint and either pay the \$350 filing fee or request *in forma pauperis* status within 30 days in order to proceed with this action.

Pursuant to 28 U.S.C. § 1654, "parties may plead and conduct their own cases personally or by counsel." Therefore, a non-attorney cannot represent or appear on behalf of another person in federal court. See Berrios v. New York City Hous. Auth., — F.3d —, No. 08-4832-cv, 2009 WL 1096483, at \*2 (2d Cir. Apr. 23, 2009) (citing Iannaccone v. Law, 142 F.3d 553, 558 (2d Cir. 1998)). Here, Ms. Zinnamon, who is not a licensed attorney, has filed this action "for Dwight Davidson, Jr" who is listed as being 22 years of age. See Compl. at 3, ¶ 7. The court takes judicial notice that Ms. Zinnamon has filed numerous *pro se* employment discrimination complaints and other actions.<sup>1</sup>

---

<sup>1</sup> Zinnamon v. Bank of New York, No. 98-CV-5707 (ARR); Zinnamon v. Bank of New York, No. 06-CV-1805 (ARR); Zinnamon v. Bridge Security Services, No. 08-CV-1398 (ARR); Zinnamon v. NYC Dep't of Educ., No. 08-CV-1399 (ARR); Zinnamon v. PCF Newspapers, No. 08-CV-1400 (ARR); Zinnamon v. Outstanding Bus Co., No. 08-CV-1787 (ARR); Zinnamon v. NYC Police Dep't, No. 08-

The court takes additional notice that Dwight Davidson, Jr. is Ms. Zinnamon's son and he has also filed several employment discrimination actions in his own name. See Davidson v. Outstanding Bus Co., No. 08-CV-1786 (ARR) (filed May 5, 2008); Davidson v. NYC Dep't of Social Services, No. 08-CV-5261 (ARR) (filed Jan. 20, 2009). Although Mr. Davidson signed the complaint and the *in forma pauperis* declaration, both submissions also contain Ms. Zinnamon's name and signature.

It is unclear why this action was filed "for Dwight Davidson, Jr.," by Ms. Zinnamon, but it is clear that Ms. Zinnamon as a layperson not licensed to practice law cannot represent Mr. Davidson. In order to avoid the appearance that the court has allowed Ms. Zinnamon to represent Mr. Davidson's interests in this civil action, despite Mr. Davidson's signature on the complaint and on the *in forma pauperis* declaration, the court directs Mr. Davidson to file an amended complaint in order to proceed with this action.

#### Conclusion

Accordingly, this action cannot proceed insofar as Ms. Zinnamon has filed this complaint for or on behalf of her son, Dwight Davidson, Jr., and the court declines to grant Ms. Zinnamon's application to proceed *in forma pauperis*. However, the court grants Mr. Davidson leave to file an amended complaint. Should Mr. Davidson seek to proceed *pro se*, he must file an amended complaint with only his name in the caption as the plaintiff, it must contain only his signature and it must delete any references to Ms. Zinnamon. Mr. Davidson must also pay the filing fee of \$350 or request *in forma pauperis* status. Similarly, the *in forma pauperis* declaration must contain only Mr. Davidson's name in the caption and it must contain only his signature. The amended complaint must be filed within 30 days from the entry of this order. If Mr. Davidson fails to file an amended complaint within 30 days, this action will be dismissed without prejudice.

---

CV-2153 (ARR); Zinnamon v. NYC CCRB, No. 08-CV-2155 (ARR); Zinnamon v. NYC Dep't of Citywide Admin. Services, No. 08-CV-3612 (ARR); Zinnamon v. NYS Dep't of Educ., No. 08-CV-5149 (ARR); Zinnamon v. NYC Dep't of Social Services, No. 08-CV-5266 (ARR).

The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

s/ ARR

  
\_\_\_\_\_  
Allyne R. Ross  
United States District Judge

Dated: June 10, 2009  
Brooklyn, New York

Service List:

Pro Se Plaintiff  
Dwight D. Davidson, Jr.  
345 Livonia Avenue Apt. 4F  
Brooklyn, NY 11212